

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.839 OF 2004

WITH

APPEAL FROM ORDER NO.840 OF 2004

WITH

APPEAL FROM ORDER NO.841 OF 2004

Office Notes, Office Memoranda
of Coram, appearances, Court's
Orders or directions and
Registrar's Orders

Court's or Judge's Orders

Mr.Rakesh Pandey for appellants
Mr.R.A.Thorat with Shri Manojkumar
Upadhya for Respondents
Mr.J.J.Xavier for B.M.C.

CORAM : P.V.KAKADE, J.

DATE : 23rd SEPTEMBER, 2004

P.C.:

1. Heard the learned counsel for
the parties.

2. Rule. Rule made returnable forthwith.

3. These appeals are moved against the Order dated 10.8.2004 dismissing the Appellants Notices of Motion. It has transpired in the course of the hearing of the present appeals at the stage of admission that the structures which were on property were demolished by the B.M.C. as early as on 10.1.2003 and therefore the Notices of Motion came to be disposed of merely on this ground.

4. In view of the facts and circumstances the parties agreed to go to the Lower Court to get their rights determined on merits after hearing the suit by the Lower Court. In view of this position the Appeals stands dismissed with direction that the Lower Court shall adjudicate the

suit on merits after giving opportunity to both the parties to lead necessary evidence, within the period of six months from the date of receipt of this order by the Court. With these directions appeal stands disposed of with no order as to costs.

5. Civil Applications filed in these appeals also stands disposed of.

C.C.expedited.